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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

 Plaintiff,

 V

 Alfonso Lobas,

 Defendant.

Case No. 2:12-cr-00109-APG-PAL

**Stipulation to Vacate Preliminary
 Hearing (ECF No. 207)**

The parties jointly request that this Court vacate the preliminary hearing on the petition to revoke supervised release because:

1. After Alfonso Lobas was ordered detained pending the revocation hearing, he was indicted on the new-law violations alleged in the petition. *See* Case No. 2:22-cr-00051-JCM-BNW at ECF No. 14.¹

2. The Ninth Circuit has held that a defendant who is already in custody on new charges at the time of the revocation proceeding is not entitled to a preliminary probable cause hearing. *United States v. Diaz-Burgos*, 601 F.2d 983, 985 (9th Cir. 1979); *United States v. Vasquez-Perez*, 742 F.3d 896, 899 (9th Cir. 2014).

¹ At the time of Mr. Lobas's initial appearance on the supervised-release petition, he had already been ordered detained on the complaint in case no. 2:22-mj-00117, which merged with case no. 2:22-cr-00051-JCM-BNW.

1 3. In light of this authority, the parties stipulate to vacate the preliminary hearing on
2 the petition to revoke Mr. Lobas's supervised release.

3
4 DATED: May 4, 2022.

5 Christopher Chiou
6 Acting United States Attorney

7 /s/ Erin Gettel
8 By _____
9 Erin Gettel

 /s/ Daniel J. Cowhig
By _____
Daniel J. Cowhig
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Alfonzo Lobas,

Defendant.

Case No. 2:12-cr-00109-APG-PAL

**Order Granting Stipulation to Vacate
Preliminary Hearing**

Based on the stipulation of counsel, the Court finds that good cause exists to vacate the preliminary hearing.

IT IS THEREFORE ORDERED that the preliminary hearing set for May 10, 2022, at 2:00 p.m. is VACATED.

DATED: May 9, 2022.



Brenda Weksler
United States Magistrate Judge

4877-1351-2478.1

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